

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

IN RE: CAUSTIC SODA ANTITRUST  
LITIGATION

THIS DOCUMENT RELATES TO:

*All Actions*

Lead Case No.  
19-cv-00385

HON. ELIZABETH A. WOLFORD

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION TO DISMISS**  
**BY DEFENDANTS**

**PLEASE TAKE NOTICE** that Defendants Olin Corporation, K.A. Steel Chemicals, Inc., Occidental Petroleum Corporation, Occidental Chemical Corporation, Westlake Chemical Corporation, Formosa Plastics Corporation, U.S.A., and Shintech Incorporated (collectively “Defendants”), by their attorneys, hereby move this Court for an Order: (i) dismissing Plaintiffs’ Consolidated Class Action Complaint in its entirety with prejudice for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and (ii) for such other and further relief as the Court deems just and proper. Defendants’ motion is supported by (i) Defendants’ Joint Memorandum in Support of Their Motion to Dismiss Plaintiffs’ Consolidated Amended Class Action Complaint, which is accompanied by the Declaration of Steven E. Bizar dated July 8, 2019 and the exhibits attached thereto, together with any reply in support filed by Defendants and (ii) such other motions to dismiss and memoranda of law as shall be filed by individual Defendants in support of their individual motions to dismiss together with any replies thereto.

**PLEASE TAKE NOTICE** that the motion will be heard before the Honorable Elizabeth A. Wolford at the United States Courthouse, 2 Niagara Square, Buffalo, New York at a time and date and in a courtroom to be determined by the Court.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Rule of Civil Procedure 7(a)(1), Defendants intend to file and serve reply papers.

Dated: July 8, 2019

Respectfully submitted,

/s/ John Lavelle

Alan M. Unger  
John J. Lavelle  
Tom A. Paskowitz  
Peter J. Mardian  
SILEY AUSTIN LLP  
787 Seventh Ave.  
New York, NY 10019  
Tel: (212) 839-5300  
jlavelle@sidley.com  
tpaskowitz@sidley.com  
aunger@sidley.com  
pmardian@sidley.com

*Counsel for Defendants Formosa Plastics  
Corp. and Formosa Plastics Corp., USA*

/s/ Steven E. Bizar

Steven E. Bizar  
George G. Gordon  
Julia Chapman  
John McClam  
DECHERT LLP  
2929 Arch Street  
Philadelphia, PA 19104  
Tel: (215) 994-4000  
steven.bizar@dechert.com  
george.gordon@dechert.com  
Julia.chapman@dechert.com  
john.mcclam@dechert.com

Timothy J. Graber  
Brian P. Crosby  
Melissa M. Morton  
GIBSON, MCASKILL & CROSBY, LLP  
69 Delaware Avenue, Suite 900  
Buffalo, NY 14202  
Tel: (716) 856-4200  
tgraber@gmclaw.com  
bcrosby@gmclaw.com  
mmorton@gmclaw.com

*Counsel for Defendants Occidental Petroleum  
Corp. and Occidental Chemical Corp.*

/s/ Paul C. Cuomo

Paul C. Cuomo  
Joseph A. Ostoyich  
William C. Lavery  
Jeffrey S. Oliver  
Caroline L. Jones  
BAKER BOTTS  
The Warner  
1299 Pennsylvania Avenue NW  
Washington, DC 20004  
Tel: (202) 639-7700  
paul.cuomo@bakerbotts.com  
joseph.ostoyich@bakerbotts.com  
william.lavery@bakerbotts.com  
jeffrey.oliver@bakerbotts.com  
caroline.jones@bakerbotts.com

Stephen A. Sharkey  
BOND, SCHOENECK & KING PLLC  
200 Delaware Ave., Suite 900  
Buffalo, NY 14202-2107  
Tel: (716)416-7051  
Ssharkey.bsk.com

*Counsel for Defendants K.A. Steel Chemicals,  
Inc. and Olin Corp.*

/s/ Daniel S. Bitton

Daniel S. Bitton  
AXINN, VELTROP & HARKRIDER LLP  
560 Mission Street  
San Francisco, CA 94105  
Tel: (415) 490-1486  
dbitton@axinn.com

/s/ John DeQ. Briggs

John DeQ. Briggs  
Steven C. Lavender  
AXINN, VELTROP & HARKRIDER LLP  
950 F Street, NW  
Washington, DC 20004  
Tel: (202) 912-4700  
jbriggs@axinn.com  
dbitton@axinn.com

Randall D. White  
Caitlin M. Higgins  
CONNORS LLP  
1000 Liberty Building  
424 Main Street  
Buffalo, NY 14202  
Tel: (716) 852-5533  
rdw@connorsllp.com  
cmh@connorsllp.com

*Counsel for Defendant Shintech Incorporated*

/s/ William R.H. Merrill

William R.H. Merrill  
James T. Southwick  
Abigail C. Noebels  
Burton S. Dewitt  
SUSMAN GODFREY LLP  
1000 Louisiana, Suite 5100  
Houston, TX 77002-5096  
Tel: (713) 651-9366  
bmerrill@susmangodfrey.com  
jsouthwick@susmangodfrey.com  
anoebels@susmangodfrey.com  
bdewitt@susmangodfrey.com

/s/ Terrence P. Flynn

Terrence P. Flynn  
HARRIS BEACH PLLC  
Larkin at Exchange  
726 Exchange Street, Suite 1000  
Buffalo, New York 14210  
Phone: (716) 200-5050  
tflynn@harrisbeach.com

*Counsel for Defendant Westlake Chemical  
Corporation*